

Application No.: 10/716,739

Applicant: PANDIAN et al.

Filed: November 18, 2003

Page 5 of 7

Remarks

Introduction

Claims 23-25 were pending. By way of this response, claim 23 has been amended, and claims 42-50 have been added. Support for the amendments and the new claims can be found in the application as originally filed, and no new matter has been added. Accordingly, claims 23-25 and 42-50 are currently pending.

Rejections Under 35 U.S.C. 112, first paragraph

Claims 23-25 have been rejected under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the written description requirement.

Applicant does not concede with the rejections or the remarks made in the Office Action. However, to advance the prosecution of the above-identified patent application, claim 23 has been amended as set forth above.

Applicant traverses the rejection as it relates to the present claims. The present claims recite that the antibodies bind to hyperglycosylated human chorionic gonadotropin (hyperglycosylated hCG) or human chorionic gonadotropin. The hyperglycosylated hCG recognized by the antibodies in the claims is a glycoprotein hormone secreted by trophoblast cells, such as the trophoblast cells of the placenta of pregnant women (see page 6, lines 13-15). Samples containing hyperglycosylated hCG are described in the Examples of the specification. Thus, Applicant submits that the present claims are properly described in the specification.

In view of the above, Applicant respectfully submits that the present claims are properly described in the specification under 35 U.S.C. § 112, first paragraph.

Application No.: 10/716,739

Applicant: PANDIAN et al.

Filed: November 18, 2003

Page 6 of 7

Rejections Under 35 U.S.C. § 112, second paragraph

Claims 23-25 have been rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite.

Applicant has amended the claims as set forth above. Applicant respectfully traverses the rejections as they apply to the amended claims. The claims have been amended by replacing ITA with hyperglycosylated human chorionic gonadotropin and hCG with human chorionic gonadotropin, as suggested by the Examiner. Claim 23 has been amended to correct the antecedence of the subject matter being claimed, and claim 23 has been amended to include a determination step as well as to clarify the phrase "higher amount". In addition, the new claims do not include the alleged indefinite subject matter identified in the Office Action.

In view of the amendments to the claims, Applicant respectfully submits that the claims are definite under 35 U.S.C. § 112, second paragraph.

Application No.: 10/716,739

Applicant: PANDIAN et al.

Filed: November 18, 2003

Page 7 of 7

Conclusion

In view of the foregoing amendments and remarks, Applicant submits that the claims satisfy the requirements of 35 U.S.C. § 112, first and second paragraphs, and that the claims are not disclosed or suggested by the prior art. Therefore, Applicant submits that the claims are in condition for allowance, notice of which is respectfully requested. If a telephone interview would be of assistance in advancing prosecution of the subject application, Applicant's undersigned representative invites the Examiner to telephone him at the number provided below.

Respectfully submitted,



Date: September 30, 2004

Greg S. Hollrigel
Registration No. 45,374
Stout, Uxa, Buyan & Mullins, LLP
4 Venture, Suite 300
Irvine, California 92618
Telephone: 949-450-1750